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July 2, 2020

Hon. Susan D. Wigenton
United States District Judge
Rev. Dr. Martin Luthor King United States Courthouse
50 Walnut Street
Newark, New Jersey 07101

Re: *United States v. Ankur Agarwal*
Dkt.: 19 Cr 770

Dear Judge Wigenton:

I write to the Court to make the following requests, and I include herein the position of the Government as given to me (of course, the Government is well-qualified to make further arguments on its own):

1. This matter is scheduled for sentencing on July 20, 2020 at 11am. This date was selected on April 15, 2020. Mr. Agarwal respectfully requests that this sentence be adjourned, either for one month or for one day, for the following reasons:
 - a. Mr. Agarwal requests an adjournment of one day so that his family may attend the sentencing. Mr. Agarwal's sister Nupar Sashti lives in Nashville, TN. Her daughter is a graduating senior in high school and of course Ms. Sashti would like to be with her daughter for the ceremony. The graduation was scheduled for June, 2020 but due to the coronavirus pandemic, the in-person ceremony was cancelled, and recently was rescheduled to Sunday, July 19, at 7pm by Zoom. The first available flight to Newark after the graduation ceremony is on July 20 and arrives at 11:30am. Ms. Sashti would bring Mr. Agarwal's mother to the courthouse for the sentencing of her son, and would not be able to come to the courthouse on her own. Therefore, at a minimum, I would request that the sentencing be adjourned for one day to Tuesday, July 21, 2020, at a time convenient to the Court so that Mr. Agarwal's mother and sister may attend the sentencing, as they did the guilty plea.
 - b. Mr. Agarwal requests that this matter be adjourned for 30 days as he is preparing his life and family for his certain forthcoming incarceration, and he

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seeks additional time to prepare for that eventuality, including materials necessary for his sentencing submission.

- c. The Government objects to either request for the following reasons: "The government objects to additional delays. Agarwal pleaded guilty in Oct. 2019, and sentencing was originally scheduled for Jan. 2020. Based on a request from probation, sentencing was moved to April 6. On March 16, the defense (without objection from the government) sought to move the sentencing to May; the court adjourned the hearing until May 6. On April 14, the defense advised the government that Agarwal would not consent to a virtual sentencing during COVID-19, and that therefore another adjournment was needed. Accommodating that position, the government asked the court for a new date. On April 15, the Court rescheduled sentencing for July 20 (which was over three months away). Agarwal has had ample time to make arrangements for July 20, including to ensure that family members made arrangements to attend. "
- d. In reply, Mr. Agarwal submits that at the time of the selection of the current sentencing date, there was no conflict with his family's schedule, which arose only very recently. The inability of his family to attend to the sentencing is not in any way due to their failure to prepare, but is solely as a result of a conflict created by the pandemic, something every aspect of society has encountered. As his family has been extremely supportive of him, it would be unnecessarily traumatic to Ms. Sashti to have to choose between being with her daughter or her brother at important moments of their lives. One day's delay would prejudice no party in any material way.

Therefore, I respectfully request that this Court adjourn sentencing of this matter, for at least one day or at most one month, for the reasons stated above.

Respectfully submitted,

s/ Sam Braverman
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